



LEGISLATIVE BLACK CAUCUS OF MARYLAND, INC.

The Maryland House of Delegates, 6 Bladen Street, Room 300, Annapolis, Maryland 21401
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Chairman Luke Clippinger,
101 House Office Building
Annapolis, Maryland 21401

Dear Chairman Clippinger and Members of the Judiciary Committee:

The Legislative Black Caucus of Maryland offers strong favorable support for House Bill 523 - Criminal Procedure – Expungement of Records – Good Cause. **This bill is on the 2024 legislative priority agenda of the Black Caucus.**

A criminal record can be both the cause and consequence of poverty and has detrimental effects on the employment prospects for the [estimated 25% of working-age Marylanders with a record](#) (pg.26). Every year, approximately 15,000 Marylanders are released from state prisons and struggle to secure a job, find a place to live and reenter society. [Over 60 percent of formerly incarcerated persons remain unemployed](#) one year after release. This is mainly because more than [85% of employers perform background checks on all of their job applicants](#) and deny employment to many returning citizens based on a record. Thus, access to criminal record expungement is necessary to reintegrate into society properly.

Unfortunately, Maryland has a variety of laws that, in combination, prevent Marylanders from accessing the expungement services needed to reintegrate into society. First, most charges (~93%) are *not* eligible for expungement, leaving individuals released from incarceration with barriers to education, employment, housing, public assistance, occupational licensing, and much more. Additionally, the [“Unit Rule”](#) prevents the expungement of a charge if the person is not entitled to the expungement of any other charge within the unit. This prevents charges that would be eligible for expungement from actually being expunged. Lastly, suppose an individual receives a parole or probation violation or manages to catch a subsequent conviction during the waiting period. In that case, the original charge becomes impossible to expunge even decades later.

HB 523 will allow the courts to grant a petition for expungement at any time on a showing of good cause. Thus, the courts can use their judicial discretion in determining expungements, as [one judge did in Baltimore County, to get around the unit rule issue](#). This provision already exists in [Criminal Procedure §10–105 \(c9\)](#) but only applies to non-convictions and is rarely used. This legislation will eliminate barriers to employment for low-income workers and job seekers in

Maryland. For these reasons, the Legislative Black Caucus of Maryland supports House Bill 523 and asks that you vote favorably on this bill.

Legislative Black Caucus of Maryland